

Towards an academically acceptable classification of image misrepresentation: a workshop session.

Mic Porter - School of Design
Northumbria University

mic.porter@northumbria.ac.uk
+44/0 191 253 0407

The concepts of (text based) plagiarism are:

- often widely agreed and understood;
- usually *taught* at the start of programmes of scholarly study and *refreshed* at intervals throughout;
- often technologically detectable albeit not with an absolute certainty; indicative rather than irrefutable determination.

But plagiarism of text may involve problematic elements including:

- *sub species* of *plagiarism* that are less well understood - eg collusion, falsification, ghosting, personation;
- that copyright and other *intellectual property (IP)* may exist in creative material; poems, lyrics, *straplines*, play quotes or if the segment quoted is *substantial* (proportionally *over-length*);
- with IP full referencing may be insufficient and use often requires that *rights* approval be obtained (common when images are reused).

But plagiarism of text may involve problematic elements including:

- cases with IP for which full referencing may be insufficient and thus use requires that *rights* approval be obtained (common when images are reused). Obtaining such *rights* to use is rarely quick and hassle free;
- the placing an identified case on the *intent/incompetence* axis is rarely exact and incontrovertible. This might not influence the finding but may alter the outcome/consequences.

And then there is the question of public display...

- not usually an issue for work assessed internally unless the work is more widely shown; perhaps:
 - as an example of student work to prospective applicants/schools/parents;
 - to a potential employer by the student themselves as an example of their work;
 - passed to Professional Learned Society in an application for a prestigious award;
 - the subject of a *press release*.

With images concepts are, often, less understood or accepted but:

- those working creatively with images and/or in 3D (designers, artists, architects, etc.) will virtually always have the potential to infringe IP;
- infringement will be less readily detectable or verifiable by computer yet if “found” may trigger debates about *soft* details... style, colour application technique, look and feel, etc.
- coincidental co-creation occurs and must be established; primacy is key for an IP application and approval.

With images concepts are, often, less understood, or accepted but:

- images will usually have the creative holism that is automatically *copyright* and, the 3D artefact may gain *design rights*;
- additional, non-automatic IPR may also be established (after verification and registration) but, these rights may be limited; in time, to a geographical area or for a specified application;
- referencing/acknowledgement may be seen as unnecessary or "*worse*" simplifying infringement tracing and misconduct accusations.

With images concepts are, often, less understood, or accepted but:

- infringement can, plausibly, be inadvertent when an existing design solution, look or style *reappears* in a new work or trivial when a derivative or adorned work is created;
- is the object of concern trivial or parody, homage, etc. and who might agree/disagree that this matters? Perhaps not a defence for the plagiarist but mitigating?

With images concepts are, often, less understood, or accepted but:

- as creative work is usually intended for display
- in portfolios, exhibitions and on the web etc.
reports of the *problematic* can come from a widely knowledgeable and diverse community;
- infringement/image manipulation was once difficult (and often readily visually detectable) is now, technically very easy to accomplish and the verification of "malfeasance" more difficult.

Three cases... one

- The product student who shows their waterproof camera design against a background of an Australian reef. The original image was, he claimed in a footnote, his own. It could not be located via TinEye® thus, unless further and better particulars could be obtained, any accusation of plagiarism must be unsafe.
- In such circumstance is it reasonable, for example, to require the student to submit the frames before and after the one used as a way of demonstrating ownership?

Three cases... two

- Another student uses a “tourist shot” of Newcastle’s Quayside as a background. Searching via Google Images® (GI) does find many similar images. However, GI reports as *similar* a photograph taken by me of *Tyne Bridge* and one used by the local tourist board of the *Swing Bridge* any doubt of authenticity cannot reliably be verified.

Three cases... three

- A student shows graphic work that some staff think is derivative of the work of a local artist. Others remark that the quality of the student's work is so poor that no confusion could ever occur. How can the degree of similarity be assessed? When does "similarity" become a concern and result in a lowered grade (or other academic penalty)?

The workshop task:

- With examples provided to stimulate debate/discussion can the attending group agree on a taxonomy of infringement, culpability and, perhaps, indicate actions that may be taken.
- Conclusions will be summarised and, if an email address given, circulated.